



10. As a consequence of her injuries, plaintiff has been required to undergo medical treatment. Plaintiff has incurred in the past and will continue to incur in the future, medical expenses for the treatment of her injuries.

11. As a consequence of her injuries, plaintiff has experienced in the past and will continue to experience in the future, considerable pain, suffering, discomfort, anxiety and anguish, both mental and physical in nature.

(*Id.* ¶¶ 9-11.)

5. The Complaint includes an *ad damnum* clause seeking in excess of \$50,000 for, among other things, pain and suffering, past and future medical expenses and past and future lost wages. (*See id.* *ad damnum* clause.)

6. Defendants do not possess Plaintiff's medical records; however, Counsel for Plaintiff advised Counsel for Defendants on October 27, 2022 that Plaintiff has an objective finding in a MRI and received injection therapy with the possibility of future injection therapy or other treatment.

7. Defendants now timely file this Notice of Removal because the Court has original jurisdiction over this matter pursuant to 28 U.S.C. §1332(a) because there is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy, exclusive of interest and costs, exceeds \$75,000.

8. The United States District Court for the Eastern District of Pennsylvania is the federal judicial district encompassing Delaware County, Pennsylvania, where the State Action was filed. For purposes of removal, venue lies in this Court pursuant to 28 U.S.C. § 1441(a).

9. Pursuant to 28 U.S.C. § 1446(a), this Notice of Removal contains a "copy of all process, pleadings, and orders served upon the defendants in this action." (*See Ex. "B," Copies of All Process, Pleadings and Orders Served Upon Defendant in the State Action.*)

10. Prompt written notice of this Notice of Removal is being sent to Plaintiff through her counsel, and a copy of this Notice of Removal is being filed with the Prothonotary of the Court of Common Pleas of Delaware County as required by 28 U.S.C. § 1446(d).

**I. REMOVAL IS PROPER BASED ON DIVERSITY JURISDICTION BECAUSE PLAINTIFF AND DEFENDANTS ARE CITIZENS OF DIFFERENT STATES AND THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000, EXCLUSIVE OF INTEREST AND COSTS**

11. “[A]ny civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. §1441(a).

12. The district courts of the United States have original jurisdiction over matters between citizens of different States where the amount in controversy exceeds \$75,000, exclusive of interest and costs. 28 U.S.C. §1332(a).

**A. PLAINTIFF AND DEFENDANTS ARE CITIZENS OF DIFFERENT STATES**

13. A natural person is deemed to be a citizen of the state where he or she is domiciled. *Lincoln Benefit Life Co. v. AEI Life, LLC*, 800 F.3d 99, 104 (3d. Cir. 2015).

14. “A corporation is a citizen both of the state where it is incorporated and of the state where it has its principal place of business.” *Id.*

15. At all relevant times, Plaintiff was/is a citizen of the Commonwealth of Pennsylvania because she was/is an adult individual residing and domiciled at 1607 West 7<sup>th</sup> Street, Chester, Pennsylvania 19013. (Ex. “A,” ¶ 1.)

16. At all relevant times, Defendant Leandro Malara was/is a citizen of the State of New Jersey because he was/is an adult individual residing and domiciled at 210 South Market Street, Gibbstown, New Jersey 08027. (*Id.* ¶ 2.)

17. At all relevant times, Defendant Corp. Tri-Steel was/is a citizen of the State of New Jersey because it was/is a New Jersey corporation with its principal place of business located at 512 Swedesboro Avenue, Mickleton, New Jersey 08056. (*Id.* ¶ 3.)

18. Accordingly, the requirements of diversity jurisdiction have been satisfied.

**B. THE AMOUNT IN CONTROVERSY EXCEEDS \$75,000, EXCLUSIVE OF INTEREST AND COSTS**

19. “A court must engage in an objective independent appraisal of the claim’s value to determine whether the amount in controversy is satisfied.” *Judge v. Phila. Premium Outlets*, 2010 U.S. Dist. LEXIS 56762, \*8, 2010 WL 2376122 (E.D. Pa. 2010) (*citing Angus v. Shiley Inc.*, 989 F.2d 142, 146 (3d Cir. 1993).

20. In cases with demands of indeterminate value, “the amount in controversy is not measured by the low end of an open-ended claim, but rather by reasonable reading of the value of the rights being litigated.” *Id.*

21. Plaintiff seeks an amount in excess of \$50,000 based on her Complaint.

22. She has an objective finding in a MRI and received injection therapy with the possibility of future injection therapy or other treatment.

23. Plaintiff claims pain and suffering for permanent injuries as well as past and future medical bills and past and future lost wages which collectively satisfy the amount in controversy.

WHEREFORE, Defendants respectfully request that this State Action be removed from the Delaware County Court of Common Pleas to the United States District Court for the Eastern District of Pennsylvania.

LAW OFFICES OF JERRY S. EISENBERG



---

Robert E. McDivitt III, Esquire  
309 Fellowship Road, Suite 330  
Mount Laurel, NJ 08054  
856-778-3220 (phone)  
856-778-3222 (fax)  
*Attorney for Defendants*

Date: 10/28/22

# EXHIBIT “A”



Delaware County Bar Association  
Lawyer Referral and Information Service  
3353 West Front Street  
Media, PA 19063  
Telephone: (610) 566-6627





**COUNT I**

5. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 4 above as if set forth fully herein.

6. On May 12, 2020 at approximately 7:40 a.m., plaintiff Sherae Miller was traveling east bound on West 9<sup>th</sup> Street in Chester, Pennsylvania. A vehicle operated by defendant Leandro Malara and owned by defendant Corp. Tri-Steel was also traveling east bound on West 9<sup>th</sup> Street, directly in front of plaintiff's vehicle. Suddenly and without warning, defendant Leandro Malara backed his vehicle into the front of plaintiff's vehicle.

7. The aforesaid collision and plaintiff's resulting damages were proximately caused by the negligence of defendants Leandro Malara in that he:

- (a) Operated the vehicle he was driving in careless, reckless and/or wanton disregard of the safety of persons or property;
- (b) Failed to give full time and attention to the operation of the vehicle he was driving;
- (c) Failed to maintain a proper lookout while operating the vehicle he was driving;
- (d) Failed to exercise and maintain proper control over the vehicle he was driving;
- (e) Failed to safely back his vehicle;
- (f) Violated the common law duty of lookout; and
- (g) Was otherwise negligent.

8. Each of the aforementioned acts of negligence of defendant Leandro Malara constitutes a proximate cause of the aforesaid collision and plaintiff's resulting injuries and damages.

9. As a direct and proximate result of the aforementioned collision, plaintiff Sherae Miller suffered bodily injuries, including but not limited to, injuries to her neck, back, shoulders, right wrist and right hand. The injuries have continued since the accident.

10. As a consequence of her injuries, plaintiff has been required to undergo medical treatment. Plaintiff has incurred in the past and will continue to incur in the future, medical expenses for the treatment of her injuries.

11. As a consequence of her injuries, plaintiff has experienced in the past and will continue to experience in the future, considerable pain, suffering, discomfort, anxiety and anguish, both mental and physical in nature.

## **COUNT II**

12. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 11 above as if set forth fully herein.

13. Defendant Corp. Tri-Steel owned the vehicle operated by defendant Leandro Malara at all times relevant hereto.

14. Prior to the time of the aforesaid collision, defendant Corp. Tri-Steel entrusted by expressly or implicitly permitting defendant Leandro Malara to use the vehicle which is a dangerous instrumentality as a matter of law, said conduct, upon information and belief, constitutes negligence in that defendant Corp. Tri-Steel knew or should have known that defendant Leandro Malara could not be reasonably expected to operate said vehicle with due care to the plaintiff and others on the roadway.

15. Defendant Corp. Tri-Steel's negligence proximately caused the accident and plaintiff Sherae Miller's resulting injuries and damages.

16. Defendant Corp. Tri-Steel is independently liable to plaintiff under the doctrine of negligent entrustment.

Plaintiff hereby demands a trial by jury of 12.

WHEREFORE, Plaintiff Sherae Miller demands judgment against Leandro Malara and Corp. Tri-Steel, jointly and severally, in an amount greater than \$50,000 for:

- (a) past, present, and future pain and suffering;
- (b) compensation for permanent injuries;
- (c) past, present and future lost wages;
- (d) past, present and future medical expenses including but not limited to doctor visits, prescriptions, and physical therapy;
- (e) court costs;
- (f) pre and post-judgment interest; and
- (g) any other relief which the Court deems just and equitable.

PHILLIPS, MCLAUGHLIN & HALL, P.A.

/s/ David A. Bilson

David A. Bilson, Esquire (ID #88360)  
121 Honey Tree Lane  
Chadds Ford, PA 19317  
Telephone: (302) 655-4200  
Attorney for Plaintiff

DATE: 9/29/2022

**VERIFICATION**

SHERAE MILLER, hereby states that she is a Plaintiff in the within action and hereby verifies that the statements made in the attached Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that the statements made herein are subject to the penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: May \_\_\_\_, 2022

  
\_\_\_\_\_  
SHERAE MILLER

# EXHIBIT “B”

## Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet

Delaware

County

For Prothonotary Use Only:

Docket No:

TIME STAMP

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

## Commencement of Action:

- ☐ Complaint
 ☒ Writ of Summons
 ☐ Petition
 ☐ Declaration of Taking
- ☐ Transfer from Another Jurisdiction

Lead Plaintiff's Name:  
Sherae Miller

Lead Defendant's Name:  
Leandro Malara

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☐ within arbitration limits  
☒ outside arbitration limits  
(check one)

Is this a *Class Action Suit*? ☐ Yes ☒ No

Is this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: David A. Bilson, Esquire (#88360)

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

**Nature of the Case:** Place an "X" to the left of the **ONE** case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

**TORT** (do not include Mass Tort)

- ☐ Intentional  
☐ Malicious Prosecution  
☒ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other:

**CONTRACT** (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other  
  
☐ Employment Dispute: Discrimination  
☐ Employment Dispute: Other  
  
☐ Other:

**CIVIL APPEALS**

- ☐ Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other

☐ Zoning Board

☐ Other:

**MASS TORT**

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:

**REAL PROPERTY**

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other:

**MISCELLANEOUS**

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other:

**PROFESSIONAL LIABILITY**

- ☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional:

## **NOTICE**

**Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:**

**Rule 205.5. Cover Sheet**

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at [www.pacourts.us](http://www.pacourts.us).



**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA  
CIVIL LAW-ACTION**

SHERAE MILLER,	:	
	:	IN THE COURT OF COMMON PLEAS
Plaintiff,	:	
	:	DELAWARE COUNTY,
v.	:	PENNSYLVANIA
	:	
LEANDRO MALARA, and	:	CIVIL ACTION: _____
CORP. TRI-STEEL,	:	
	:	
Defendants.	:	

**PRAECIPE FOR WRIT OF SUMMONS**

TO THE OFFICE OF JUDICIAL SUPPORT:

Issue summons in civil action in the above case and forward to the Attorney for service.

/s/ David A. Bilson  
DAVID A. BILSON, ESQUIRE  
PHILLIPS, MCLAUGHLIN & HALL, P.A.  
121 Honey Tree Lane  
Chadds Ford, PA 19317  
(302) 655-4200  
Attorney for Plaintiff  
Attorney Supreme Court ID #88360

Dated: April 22, 2022

**WRIT OF SUMMONS IN CIVIL ACTION**

To: Leandro Malara, 210 South Market Street, Gibbstown, New Jersey, 08027-1462  
Corp. Tri-Steel, 512 Swedesboro Avenue, Mickleton, New Jersey, 08056

YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF HAS COMMENCED AN  
ACTION AGAINST YOU.

MARY J. WALK, ESQUIRE  
Director, Office of Judicial Support

Dated: \_\_\_\_\_, 2022

By: \_\_\_\_\_

\_\_\_\_\_  
Attested to be a true and correct  
copy of the original

**IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA  
CIVIL LAW-ACTION**

SHERAE MILLER,

Plaintiff,

v.

LEANDRO MALARA, and  
CORP. TRI-STEEL,

Defendants.

IN THE COURT OF COMMON PLEAS

DELAWARE COUNTY,  
PENNSYLVANIA

CIVIL ACTION:

CV-2022-002974

**PRAECIPE FOR WRIT OF SUMMONS**

TO THE OFFICE OF JUDICIAL SUPPORT:

Issue summons in civil action in the above case and forward to the Attorney for service.

/s/ David A. Bilson

DAVID A. BILSON, ESQUIRE  
PHILLIPS, MCLAUGHLIN & HALL, P.A.  
121 Honey Tree Lane  
Chadds Ford, PA 19317  
(302) 655-4200  
Attorney for Plaintiff  
Attorney Supreme Court ID #88360

Dated: April 22, 2022

**WRIT OF SUMMONS IN CIVIL ACTION**

To: Leandro Malara, 210 South Market Street, Gibbstown, New Jersey, 08027-1462  
Corp. Tri-Steel, 512 Swedesboro Avenue, Mickleton, New Jersey, 08056

YOU ARE NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF HAS COMMENCED AN  
ACTION AGAINST YOU.

Dated: 4-22-2022, 2022

Mary J. Walk  
MARY J. WALK, ESQUIRE  
Director, Office of Judicial Support

By: Thomas E. Barkman

Attested to be a true and correct  
copy of the original

3. On May 10, 2022, I mailed, by registered mail return receipt, a copy of the Writ of Summons and a letter constituting notice, pursuant to Pennsylvania Rule 404, to defendant Leandro Malara at his last known address of 210 South Market Street, Gibbstown, New Jersey, 08027. (A copy of the registered letter is attached hereto as Exhibit “A” and made a part hereof.)

4. Upon mailing said registered letter, I received a receipt, which is the same receipt attached hereto as Exhibit "B" and made a part hereof.

5. On or about May 12, 2022, the letter was delivered and signed for by defendant Leandro Malara. (A copy of the return receipt is attached hereto as Exhibit "C").

PHILLIPS, MCLAUGHLIN & HALL, P.A.



DAVID A. BILSON, ESQUIRE (#88360)

121 Honey Tree Lane

Chadds Ford, PA 19317

(302) 655-4200

Attorney for Plaintiff

SWORN TO AND SUBSCRIBED before me this 16 day of June, 2022.



NOTARY PUBLIC

MARY FRANCES FITZPATRICK

NOTARY PUBLIC

STATE OF DELAWARE

My Commission Expires August 21, 2024

**PHILLIPS, McLAUGHLIN & HALL, P.A.**

JOHN C. PHILLIPS, JR.  
LISA C. McLAUGHLIN\*  
JAMES P. HALL  
DAVID A. BILSON\*\*\*  
MEGAN C. HANEY  
TODD L. GOODMAN  
PAUL S. SEWARD\*\*\*

ATTORNEYS AT LAW  
PENNSYLVANIA AVE. AND BROOM ST.  
1200 N. BROOM STREET  
WILMINGTON, DELAWARE 19806

(302) 655-4200  
(302) 655-4210 (F)  
pmhdelaw.com

ALSO MEMBER OF  
\*PENNSYLVANIA BAR  
\*\*NEW JERSEY BAR  
\*MARYLAND BAR

May 10, 2022

**REGISTERED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Leandro Malara  
210 South Market Street  
Gibbstown, NJ 08027-1462

RE: Sherae Miller v. Leandro Malara, et al.  
C.A. No.: CV-2022-002974  
Our File No.: MILLS-1

Dear Mr. Malara:

This letter constitutes notice under Pennsylvania Rule 404 that a suit has been filed against you in the Court of Common Pleas of the State of Pennsylvania in and for Delaware County. Please find enclosed the original process and Writ of Summons perfecting service upon you under the provisions of Rule 404.

Please deliver these papers immediately to your insurance company or attorney.


Very truly yours,

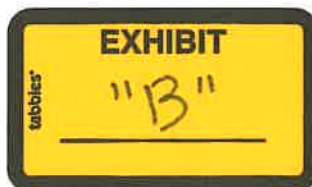
*David A. Bilson*

DAVID A. BILSON

DAB:mff  
Enclosures  
cc: Ms. Sherae Miller (w/o enc)



Registered No. <b>RF 339053461 US</b>		Date Stamp	
To Be Completed By Post Office	Reg. Fee <b>13.75</b>		
	Handling Charge		Return Receipt <b>3.05</b>
	Postage <b>1.36</b>		Restricted Delivery
	Received by <b>[Signature]</b>		
	Customer Must Declare Full Value \$ <b>10</b>		Domestic Insurance up to \$25,000 is included based upon the declared value. International indemnity is limited. (See Reverse)
<b>OFFICIAL USE</b>			
To Be Completed By Customer (Please Print) All Entries Must Be In Ballpoint or Typed	FROM	Phillips McLaughlin + Hall 1200 North Broom Street Wilmington DE 19806	
	TO	MR. Leandro Malara 210 South Market Street Gibbstown, NJ 08027	
PS Form 3806, Receipt for Registered Mail Copy 1 - Customer May 2007 (7530-02-000-9051) (See Information on Reverse) For domestic delivery information, visit our website at <a href="http://www.usps.com">www.usps.com</a>			



SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY																	
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature</p> <p><b>X</b></p> <p><input type="checkbox"/> Agent <input checked="" type="checkbox"/> Addressee</p>																	
<p>1. Article Addressed to:</p> <p>MR. Leandro Malara 210 South Market Street Gibbstown, NJ 08027</p>		<p>B. Received by (Printed Name) C. Date of Delivery</p> <p>Lee Leandro Malara 5/12/22</p>																	
<p>2. Article Number (Transfer from service label)</p> <p>RF 339 053 461 US</p>		<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>																	
<p>9590 9402 4335 8190 8661 91</p>		<p>3. Service Type</p> <table border="0"> <tr> <td><input type="checkbox"/> Adult Signature</td> <td><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input type="checkbox"/> Certified Mail Restricted Delivery	<input type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																		
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																		
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																		
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<input type="checkbox"/> Insured Mail																			
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																			

PS Form 3811, July 2015 PSN 7530-02-000-9053 Domestic Return Receipt





FAQs >

Track Another Package +

Tracking Number: RF339053461US

Remove X



Your item was delivered to an individual at the address at 1:41 pm on May 12, 2022 in GIBBSTOWN, NJ 08027.

 **Delivered, Left with Individual**

May 12, 2022 at 1:41 pm  
GIBBSTOWN, NJ 08027

Feedback

Get Updates 

<hr/>	
Text & Email Updates	
<hr/>	
Tracking History	

May 12, 2022, 1:41 pm

Delivered, Left with Individual  
GIBBSTOWN, NJ 08027

Your item was delivered to an individual at the address at 1:41 pm on May 12, 2022 in GIBBSTOWN, NJ 08027.

May 11, 2022, 2:06 pm

Notice Left (No Authorized Recipient Available)  
GIBBSTOWN, NJ 08027



**May 11, 2022, 7:44 am**  
Out for Delivery  
GIBBSTOWN, NJ 08027

**May 11, 2022, 7:33 am**  
Arrived at Post Office  
GIBBSTOWN, NJ 08027

**May 10, 2022, 11:50 pm**  
Arrived at USPS Facility  
BELLMAWR, NJ 08099

**May 10, 2022, 3:15 pm**  
USPS in possession of item  
WILMINGTON, DE 19801

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## Product Information

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Feedback  
✓

See Less ^

## Can't find what you're looking for?

Go to our FAQs section to find answers to your tracking questions.

### FAQs

(A copy of the registered letter is attached hereto as Exhibit "A" and made a part hereof.)

4. Upon mailing said registered letter, I received a receipt, which is the same receipt attached hereto as Exhibit "B" and made a part hereof.

5. The green return receipt was never returned to my office. An online search revealed that the letter was delivered to defendant Corp. Tri-Steel. on May 11, 2022. (A copy of the United States Postal Service tracking information is attached hereto as Exhibit "C".)

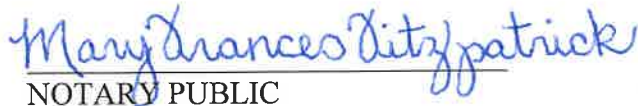
6. A second letter is being mailed out to defendant Corp. Tri-Steel today.

PHILLIPS, MCLAUGHLIN & HALL, P.A.



DAVID A. BILSON, ESQUIRE (#88360)  
121 Honey Tree Lane  
Chadds Ford, PA 19317  
(302) 655-4200  
Attorney for Plaintiff

SWORN TO AND SUBSCRIBED before me this 16 day of June, 2022.



NOTARY PUBLIC

MARY FRANCES FITZPATRICK  
NOTARY PUBLIC  
STATE OF DELAWARE  
My Commission Expires August 21, 2024

**PHILLIPS, McLAUGHLIN & HALL, P.A.**

JOHN C. PHILLIPS, JR.  
LISA C. McLAUGHLIN\*  
JAMES P. HALL  
DAVID A. BILSON\*\*\*  
MEGAN C. HANEY  
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ATTORNEYS AT LAW  
PENNSYLVANIA AVE. AND BROOM ST.  
1200 N. BROOM STREET  
WILMINGTON, DELAWARE 19806  
  
(302) 655-4200  
(302) 655-4210 (F)  
pmhdelaw.com

ALSO MEMBER OF  
\*PENNSYLVANIA BAR  
\*\*NEW JERSEY BAR  
\*MARYLAND BAR

May 10, 2022

**REGISTERED MAIL  
RETURN RECEIPT REQUESTED**

Corp. Tri-Steel  
512 Swedesboro Avenue  
Mickleton, NJ 08056

RE: Sherae Miller v. Leandro Malara, et al.  
C.A. No.: CV-2022-002974  
Our File No.: MILLS-1

Dear Sir:

This letter constitutes notice under Pennsylvania Rule 404 that a suit has been filed against you in the Court of Common Pleas of the State of Pennsylvania in and for Delaware County. Please find enclosed the original process and Writ of Summons perfecting service upon you under the provisions of Rule 404.

Please deliver these papers immediately to your insurance company or attorney.

Very truly yours,

*David A. Bilson*

DAVID A. BILSON

DAB:mff  
Enclosures  
cc: Ms. Sherae Miller (w/o enc)



Registered No. <b>RF 339053475 us</b>		Date Stamp <b>MAY 10 2022</b> 19801 USPS
To Be Completed By Post Office	Reg. Fee <b>13.75</b>	
	Handling Charge	Return Receipt <b>3.05</b>
	Postage <b>1.36</b>	Restricted Delivery
	Received by <b>MA</b>	
Customer Must Declare Full Value \$ <b>6</b>		Domestic Insurance up to \$25,000 is included based upon the declared value. International Indemnity is limited. (See Reverse).
<b>OFFICIAL USE</b>		
To Be Completed By Customer (Please Print) All Entries Must Be in Ballpoint or Typed	FROM	Phillips McLaughlin + Hyll 1700 North Broad Street Wilmington DE 19806
	TO	Corp. Trip Steel 512 Suedesboro Avenue Mickleton, NJ 08056

PS Form **3806**, **Receipt for Registered Mail** Copy 1 - Customer  
May 2007 (7530-02-000-9051) (See Information on Reverse)  
For domestic delivery information, visit our website at [www.usps.com](http://www.usps.com) \*





FAQs >

Track Another Package +

Tracking Number: RF339053475US

Remove X

Your item was delivered to an individual at the address at 10:30 am on May 11, 2022 in MICKLETON, NJ 08056.

 **Delivered, Left with Individual**

May 11, 2022 at 10:30 am  
MICKLETON, NJ 08056

Feedback

Get Updates v

Text & Email Updates	v
Tracking History	^

May 11, 2022, 10:30 am  
Delivered, Left with Individual  
MICKLETON, NJ 08056

Your item was delivered to an individual at the address at 10:30 am on May 11, 2022 in MICKLETON, NJ 08056.

May 11, 2022, 7:50 am  
Out for Delivery  
MICKLETON, NJ 08056



**May 11, 2022, 7:39 am**

Arrived at Post Office  
MICKLETON, NJ 08056

**May 10, 2022, 11:51 pm**

Arrived at USPS Facility  
BELLMAWR, NJ 08099

**May 10, 2022, 3:13 pm**

USPS in possession of item  
WILMINGTON, DE 19801

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**Product Information**

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**See Less** ^

Feedback

## **Can't find what you're looking for?**

Go to our FAQs section to find answers to your tracking questions.

**FAQs**

**LAW OFFICE OF DENNIS O. WILSON**

Robert E. McDivitt III, Esquire

IDENTIFICATION NO.: 201180

309 Fellowship Road, Suite 330

Mount Laurel, NJ 08054

[Robert.McDivitt@selective.com](mailto:Robert.McDivitt@selective.com)

856-778-3212; 855-515-8186 fax

Attorney for Defendants, Leandro Malara and Tri-Steel Corp.

SHERAE MILLER,	:	<b>COURT OF COMMON PLEAS</b>
Plaintiff,	:	<b>DELAWARE COUNTY</b>
v.	:	
LEANDRO MALARA, and CORP. TRI-	:	<b>NO: CV-2022-002974</b>
STEEL,	:	
Defendants.	:	

**ENTRY OF APPEARANCE**

***TO THE PROTHONOTARY:***

Kindly enter my Appearance on behalf of Defendants, Leandro Malara and Tri-Steel Corp., in the above-captioned case.

Respectfully submitted,

**LAW OFFICE OF DENNIS O. WILSON**



---

ROBERT E. MCDIVITT III, ESQUIRE  
*Attorney for Defendants*

**Dated: September 16, 2022**



**LAW OFFICE OF DENNIS O. WILSON**

Robert E. McDivitt III, Esquire

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[Robert.McDivitt@selective.com](mailto:Robert.McDivitt@selective.com)

856-778-3212; 855-515-8186 fax

Attorney for Defendants, Leandro Malara and Tri-Steel Corp.

SHERAE MILLER, Plaintiff, v. LEANDRO MALARA, and CORP. TRI-STEEL, Defendants.	: : : : : : : :	<b>COURT OF COMMON PLEAS DELAWARE COUNTY  NO: CV-2022-002974</b>
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**DEMAND FOR JURY TRIAL**

***TO THE PROTHONOTARY:***

Defendant, Tri-Steel Corp. demands a jury trial consisting of twelve (12) members, in the above-captioned matter.

Respectfully submitted,

**LAW OFFICE OF DENNIS O. WILSON**



---

ROBERT E. MCDIVITT III, ESQUIRE  
*Attorney for Defendants*

**Dated: September 16, 2022**

**LAW OFFICE OF DENNIS O. WILSON**

Robert E. McDivitt III, Esquire  
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856-778-3212; 855-515-8186 fax

Attorney for Defendant, Tri-Steel Corp.

SHERAE MILLER,  Plaintiff,  v. LEANDRO MALARA, and CORP. TRI- STEEL,  Defendants.	: : : : : : : :	<b>COURT OF COMMON PLEAS DELAWARE COUNTY  NO: CV-2022-002974</b>
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**PRAECIPE TO FILE COMPLAINT**

***TO THE PROTHONOTARY:***

Please enter a Rule upon Plaintiff to file a Complaint within twenty (20) days hereof or suffer the entry of a Judgment of Non Pros.

Respectfully submitted,

**LAW OFFICE OF DENNIS O. WILSON**



---

ROBERT E. MCDIVITT III, ESQUIRE  
*Attorney for Defendant, Tri-Steel Corp.*

**Dated: September 16, 2022**

**LAW OFFICE OF DENNIS O. WILSON**

Robert E. McDivitt III, Esquire  
IDENTIFICATION NO.: 201180  
309 Fellowship Road, Suite 330  
Mount Laurel, NJ 08054  
[Robert.McDivitt@selective.com](mailto:Robert.McDivitt@selective.com)  
856-778-3212; 855-515-8186 fax  
Attorney for Defendant, Tri-Steel Corp.

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SHERAE MILLER, Plaintiff, v. LEANDRO MALARA, and CORP. TRI- STEEL, Defendants.	: : : : : : : : :	<b>COURT OF COMMON PLEAS DELAWARE COUNTY  NO: CV-2022-002974</b>
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**RULE TO FILE COMPLAINT**

**AND NOW**, this                      day of                      , a Rule is hereby granted upon  
Plaintiff to file a Complaint herein within twenty (20) days after service hereof or suffer the entry of a  
Judgment of Non Pros.

**PROTHONOTARY**



Delaware County Bar Association  
Lawyer Referral and Information Service  
3353 West Front Street  
Media, PA 19063  
Telephone: (610) 566-6627

4. Defendant Corp. Tri-Steel is a New Jersey company and can be served at its last known business address of 512 Swedesboro Avenue, Mickleton, New Jersey, 08056.

**COUNT I**

5. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 4 above as if set forth fully herein.

6. On May 12, 2020 at approximately 7:40 a.m., plaintiff Sherae Miller was traveling east bound on West 9<sup>th</sup> Street in Chester, Pennsylvania. A vehicle operated by defendant Leandro Malara and owned by defendant Corp. Tri-Steel was also traveling east bound on West 9<sup>th</sup> Street, directly in front of plaintiff's vehicle. Suddenly and without warning, defendant Leandro Malara backed his vehicle into the front of plaintiff's vehicle.

7. The aforesaid collision and plaintiff's resulting damages were proximately caused by the negligence of defendants Leandro Malara in that he:

- (a) Operated the vehicle he was driving in careless, reckless and/or wanton disregard of the safety of persons or property;
- (b) Failed to give full time and attention to the operation of the vehicle he was driving;
- (c) Failed to maintain a proper lookout while operating the vehicle he was driving;
- (d) Failed to exercise and maintain proper control over the vehicle he was driving;
- (e) Failed to safely back his vehicle;
- (f) Violated the common law duty of lookout; and
- (g) Was otherwise negligent.

8. Each of the aforementioned acts of negligence of defendant Leandro Malara constitutes a proximate cause of the aforesaid collision and plaintiff's resulting injuries and damages.

9. As a direct and proximate result of the aforementioned collision, plaintiff Sherae Miller suffered bodily injuries, including but not limited to, injuries to her neck, back, shoulders, right wrist and right hand. The injuries have continued since the accident.

10. As a consequence of her injuries, plaintiff has been required to undergo medical treatment. Plaintiff has incurred in the past and will continue to incur in the future, medical expenses for the treatment of her injuries.

11. As a consequence of her injuries, plaintiff has experienced in the past and will continue to experience in the future, considerable pain, suffering, discomfort, anxiety and anguish, both mental and physical in nature.

## **COUNT II**

12. Plaintiff realleges and incorporates by reference the allegations contained in paragraphs 1 through 11 above as if set forth fully herein.

13. Defendant Corp. Tri-Steel owned the vehicle operated by defendant Leandro Malara at all times relevant hereto.

14. Prior to the time of the aforesaid collision, defendant Corp. Tri-Steel entrusted by expressly or implicitly permitting defendant Leandro Malara to use the vehicle which is a dangerous instrumentality as a matter of law, said conduct, upon information and belief, constitutes negligence in that defendant Corp. Tri-Steel knew or should have known that defendant Leandro Malara could not be reasonably expected to operate said vehicle with due care to the plaintiff and others on the roadway.

15. Defendant Corp. Tri-Steel's negligence proximately caused the accident and plaintiff Sherae Miller's resulting injuries and damages.

16. Defendant Corp. Tri-Steel is independently liable to plaintiff under the doctrine of negligent entrustment.



Plaintiff hereby demands a trial by jury of 12.

WHEREFORE, Plaintiff Sherae Miller demands judgment against Leandro Malara and Corp. Tri-Steel, jointly and severally, in an amount greater than \$50,000 for:

- (a) past, present, and future pain and suffering;
- (b) compensation for permanent injuries;
- (c) past, present and future lost wages;
- (d) past, present and future medical expenses including but not limited to doctor visits, prescriptions, and physical therapy;
- (e) court costs;
- (f) pre and post-judgment interest; and
- (g) any other relief which the Court deems just and equitable.

PHILLIPS, MCLAUGHLIN & HALL, P.A.

/s/ David A. Bilson

David A. Bilson, Esquire (ID #88360)  
121 Honey Tree Lane  
Chadds Ford, PA 19317  
Telephone: (302) 655-4200  
Attorney for Plaintiff

DATE: 9/29/2022

**VERIFICATION**

SHERAE MILLER, hereby states that she is a Plaintiff in the within action and hereby verifies that the statements made in the attached Complaint are true and correct to the best of her knowledge, information and belief. The undersigned understands that the statements made herein are subject to the penalties of 18 Pa C.S. Section 4904 relating to unsworn falsification to authorities.

Dated: May \_\_\_\_, 2022

  
\_\_\_\_\_  
SHERAE MILLER